

Judge Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELIZABETH ANNE PHILLIPS,

Defendant.

NO. CR01-108RSM

ORDER MODIFYING TERMS
OF SUPERVISED RELEASE

On December 10, 2003, the defendant was sentenced to a term of imprisonment for twenty-four months based upon her conviction for one count of wire fraud, in violation of Title 18, United States Code, Section 1343 and one count of conspiracy, in violation of Title 18, United States Code, Section 371. The defendant was also placed on three years of supervised release. At the time of sentencing, the Government was not able to identify the amount of restitution that was owed to the many victims. As a result, the Judgment provided that as a condition of supervised release the defendant "shall pay restitution in an amount to be determined at a subsequent hearing." Title 18, United States Code, Section 3664 require that the Court make a final determination of the victims' losses within 90 days after sentencing. At the sentencing hearing on December 10, 2003, defendant's prior counsel agree to waive this 90-day requirement.

The defendant now claims that she was not aware that her counsel had waived the 90-day requirement. Defendant's prior counsel also claims that he waived the 90-day period without consulting with the defendant. As a result, the Government has concluded that it would be unable to prove that the defendant knowingly and intelligently waived the 90-day requirement.

1 Thus, the Government has filed a motion requesting that this Court eliminate the restitution
2 condition from the judgement. The defendant does not oppose this motion.

3 IT IS THEREFORE ORDERED that the terms of supervised release previously imposed
4 are hereby modified, as follows:

5 (a) The condition requiring the defendant to pay restitution is stricken from the judgment.

6 IT IS FURTHER ORDERED that all other terms and conditions of supervised release as
7 previously imposed shall remain in effect; and

8 IT IS FURTHER ORDERED that the Clerk of the Court deliver certified copies of this
9 Order Modifying Terms of Supervised Release to the United States Marshal or other qualified
10 officer, the United States Probation Office, and counsel of record.

11 DATED this 10th day of October, 2007.

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14 RICARDO S. MARTINEZ
15 UNITED STATES DISTRICT JUDGE

16 Presented by:

17 s/Carl Blackstone
18 CARL BLACKSTONE
19 Assistant United States Attorney

20 s/Andrew Friedman
21 ANDREW FRIEDMAN
22 Assistant United States Attorney

23 Approved as to form:

24 s/Bruce D. Erickson
25 BRUCE D. ERICKSON
26 Counsel for Elizabeth Anne Phillips
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